

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WISCONSIN

ESSOCIATE, INC.,

Plaintiff,

v.

Case No. 11-cv-727-bbc

EPIC MEDIA GROUP, INC., ET AL.,

Defendants.

DECLARATION OF JAMES D. PETERSON

I, James D. Peterson, declare as follows:

1. I am an attorney and shareholder with Godfrey & Kahn, S.C. (“Godfrey & Kahn”). I am lead counsel for the defendants, Epic Media Group, Inc. (f/k/a Azoogle.com, Inc.) and Social Assets LLC (d/b/a Kinetic Social). I make this declaration in support of Defendants’ Bill of Costs, and it is based on my personal knowledge.

2. I am familiar with the billing and record-keeping systems of Godfrey & Kahn. I have reviewed the records kept by my firm of the costs and expenses since Godfrey & Kahn began its representation of the defendants in this action. Defendants’ Bill of Costs is an accurate representation of the costs necessarily incurred in this litigation.

3. Attached as **Exhibit 1** is a summary of the costs incurred by Godfrey & Kahn in this litigation for which Defendants are requesting reimbursement.

4. Attached as **Exhibit 2** are true and correct copies of invoices for deposition transcripts in this action paid by Godfrey & Kahn. The invoices include charges for video recording and conversion of the video to files into a form that could be used in connection with courtroom technology. The depositions were filed with the court as Dkt. Nos. 69 through 79

and 104. The video depositions were taken by both sides in this case in anticipation of use at trial. Defendants do not include in their request for costs the fees for handling and delivery of the deposition transcripts, and shipping and travel costs of the videographer. The defendants also do not include the rental fee for the deposition space which was split with plaintiffs. The deductions not included as taxable costs total \$1009.01.

5. Godfrey & Kahn logs in-house copying costs incurred for each client and matter and bills these costs at a rate of \$.15 a page for black and white copies and \$.50 a page for color copies. **Exhibit 3** is a true and correct copy of a report of in-house copy expenses for this matter.

6. Godfrey & Kahn used Alphagraphics, an outside vendor, to process documents in this matter. The prints, copies and process fees were completed for the following purposes, all of which were necessarily incurred for this action: printing of discovery documents for attorney review, printing of documents for use in the preparation of depositions, printing of deposition exhibits, and electronic processing of documents for production. Attached as **Exhibit 4** are true and correct copies of the invoices from Alphagraphics for this work. Defendants did not include in its requested costs the expenses of DVD burns and flash drive fees totaling \$140.00.

7. Attached as **Exhibit 5** is a true and correct copy of the invoice from FaxPat/Optipat, Inc. for a copy of the file history of the patent-in-suit and other prior art publications necessarily obtained for use in this case.

8. I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 23, 2013, in Madison, Wisconsin.

s/James D. Peterson
James D. Peterson